

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2006

CORAM:

THE HONOURABLE MR.JUSTICE A. KULASEKARAN

WP.No.19005 of 2006

B.Bindhu

Petitioner

vs.

The Secretary  
The Tamilnadu Circle Postal Cooperative Bank Ltd.,  
18/19, Jehangir street  
Second Line Beach,  
Chennai 600 001.

Respondent

Prayer:- This Writ Petition is filed to issue a Writ of Mandamus, for the relief as stated therein.

For Petitioner : Mr.D.Venkateswarulu  
For Respondent : Mr. K.Ilango, Spl.GP

ORDER

The prayer in the writ petition is for issuance of a writ of mandamus, to direct the respondent to designate the Public Information Officers in the respondent's bank to furnish the details under Section 5 of the Right to Information Act and to furnish the details of the recruitment of clerical post in the respondent's bank held in the month of March 2005 according to the Right to Information Act.

2. Mr.K.Ilango, learned Special Government Pleader takes notice for the respondent.

3. The learned counsel for the petitioner submitted that inspite of the representation of the petitioner dated 26.5.2006 seeking details for not selecting her for the post of clerk in the respondent bank, the respondent has not furnished the details required by her, hence the present writ petition is filed.

4. Heard the learned counsel for the petitioner and perused the typed set of papers. It is seen from page No.7 of the typed set of papers that the respondent has disposed of the request of the petitioner by communication dated 27.05.2006 and it reads as follows:

"With reference to your letter cited regarding your application for the post of clerk, applied in the month of March 2005, we wish to inform that, your application for the post of clerk was received by this office only on 17<sup>th</sup> March 2003 afternoon by speed post, which is after the deadline for receiving the application was fixed by the Board of Management on 16.3.2005 upto 4.00 p.m.

Hence your application was not taken up for consideration.

This is for your information."

5. It is seen from the above said communication that the application of the petitioner has not reached the office of the respondent before the stipulated date, hence, her application was not considered by the respondent. Without challenging the said communication dated 27.5.2006, the petitioner now seeks for a Writ of Mandamus to direct the respondent to furnish the below mentioned details.

"1. Please provide the daily progress report made on my application.

2. Please give the byelaws, standing orders, amendments in your byelaws, and promotion procedures, handling labour principles, appointment and recruitment methods.

3. Please give the names and designations of the officials with whom my application was lying during this period. Please intimate the periods when it was lying with which officer and what was the action taken by that official during that period.

4. Please give the proof of receipt and dispatch of my application in the office of each of these officials.

5. According to your rules, in how many days should the details be granted? Since already 30 days have been passed from the date of my first application received. Please provide a copy of these rules.

6. The above officials have not adhered to the time limit mentioned in these rules. Are these officials guilty of violating these rules and hence guilty of misconduct under their conduct rules. Please give a copy of their conduct rule, which they have violated by violating the above-mentioned rule.

7. These officials have caused serious mental injury to me by making me run around all this while. Are these officials guilty of causing mental harassment to me?

8. What action can be taken against these officials for violating all the above rules and the conduct rules. By when this action would be taken?

9. Who is your bank's information officer under Right to Information Act 2005? And How and Where was he appointed in your bank?"

6. It is evident from the above that the details sought for by the petitioner is unnecessary and irrelevant. The communication sent by the respondent reveals that the petitioner was not considered for appointment since her application not reached in time. It is to be remembered that the petitioner is not prevented by the respondents from participating in the selection by creating any disability, besides, the petitioner is not prejudiced by any act of the respondent and her own act made her ineligible for consideration. The appointment in public employment is not automatic or free from any conditions. When conditions are imposed for appointment, the candidate seeking it must satisfy such conditions and also eligible for the same. The conditions, in this case is the last date for receipt of application, which is not admittedly satisfied by the petitioner, hence, this Court is of the considered view that the petitioner is not entitled to the details sought for by her under the provisions of Right to Information Act, 2005.

7. In view of the above said facts, the writ petition is dismissed. No costs. Liberty is given to the petitioner to challenge the order dated 27.05.2006 of the respondent, if she is so advised.

Sd/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ajr

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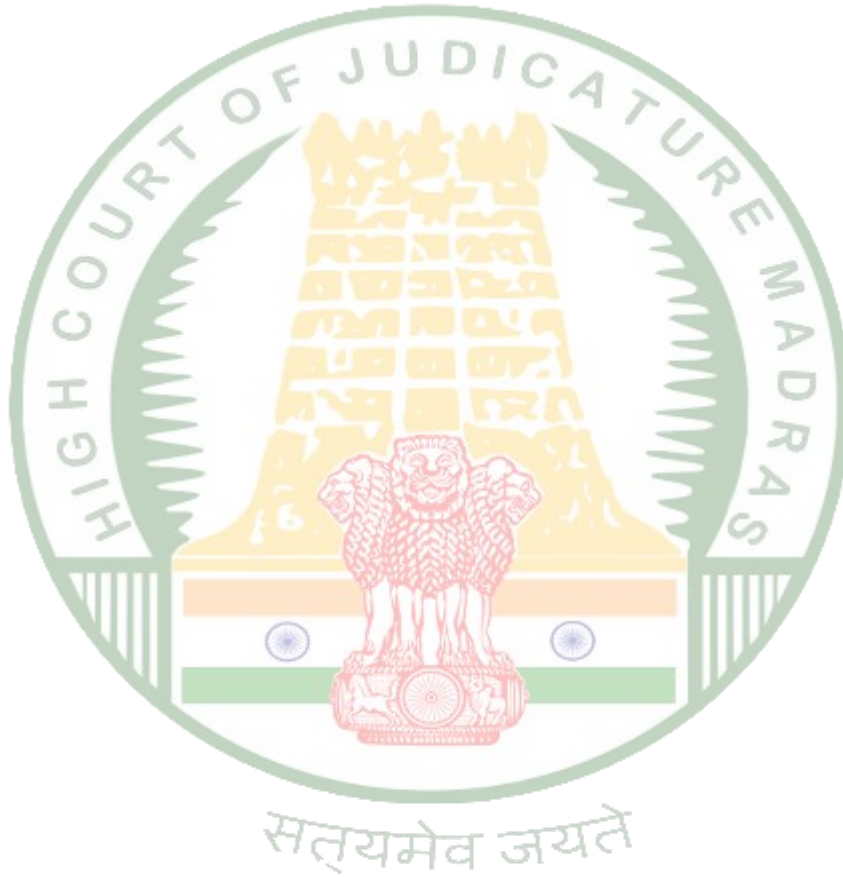
To

The Secretary  
The Tamilnadu Circle Postal Cooperative  
Bank Limited  
18/19, Jehangir street  
Second Line Beach,  
Chennai 600 001.

+ 1 CC To Mr. D.Ventakeswaran, Advocate SR NO.26363

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